

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE COUNTY OF CUYAHOGA,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 1:17-cv-2482
)	
PURDUE PHARMA L.P.; PURDUE PHARMA)	
INC.; THE PURDUE FREDERICK COMPANY,	)	Judge Dan Aaron Polster
INC.; TEVA PHARMACEUTICALS USA, INC.;)	
CEPHALON, INC.; JOHNSON & JOHNSON;)	
JANSSEN PHARMACEUTICALS, INC.;)	
ORTHO-MCNEIL-JANSSEN)	
PHARMACEUTICALS, INC. N/K/A JANSSEN)	
PHARMACEUTICALS, INC.; JANSSEN	)	MANUFACTURER DEFENDANTS’
PHARMACEUTICA, INC. N/K/A JANSSEN	)	UNOPPOSED JOINT MOTION TO
PHARMACEUTICALS, INC.; ENDO	)	STAY THE DATE BY WHICH TO
PHARMACEUTICALS INC.; ALLERGAN PLC	)	RESPOND TO PLAINTIFF’S
F/K/A ACTAVIS PLC; ACTAVIS, INC. F/K/A	)	COMPLAINT AND FOR AN
WATSON PHARMACEUTICALS, INC.;	)	EXTENSION OF TIME PENDING
WATSON LABORATORIES, INC.; ACTAVIS	)	FINAL DETERMINATION OF
LLC; ACTAVIS PHARMA, INC. F/K/A WATSON	)	REMOVAL
PHARMA, INC.; ENDO HEALTH SOLUTIONS)	
INC.; INSYS THERAPEUTICS, INC.;)	
MCKESSON CORPORATION; CARDINAL)	
HEALTH, INC.; AMERISOURCEBERGEN)	
CORPORATION; RUSSELL PORTENOY;)	
PERRY FINE; SCOTT FISHMAN; and LYNN)	
WEBSTER,)	
)	
Defendants.)	

Pursuant to Federal Rule of Civil Procedure 6, the Manufacturer Defendants¹ (“Defendants”) jointly and with the consent of Plaintiff County of Cuyahoga, move for an Order

¹ The Manufacturer Defendants are Endo Pharmaceuticals Inc.; Endo Health Solutions Inc.; Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Allergan plc f/k/a Actavis plc; Actavis,

to stay the date by which they are required to respond to Plaintiff's Complaint until 60 days following the final determination of removal. Final determination of removal shall occur on either December 27, 2017, if Plaintiff does not file a Motion to Remand, or upon the issuance of an order resolving Plaintiff's Motion to Remand. The reasons in support are in the attached Memorandum.

DATED: December 4, 2017

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Inc. f/k/a Watson Pharmaceuticals, Inc. n/k/a Allergan Finance, LLC; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; and Insys Therapeutics, Inc. Allergan plc f/k/a Actavis plc was named as a defendant but has not been properly served and expressly reserves all defenses to improper service and personal jurisdiction.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE COUNTY OF CUYAHOGA,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE PHARMA
INC.; THE PURDUE FREDERICK COMPANY,
INC.; TEVA PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.;
ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC. N/K/A JANSSEN
PHARMACEUTICALS, INC.; JANSSEN
PHARMACEUTICA, INC. N/K/A JANSSEN
PHARMACEUTICALS, INC.; ENDO
PHARMACEUTICALS INC.; ALLERGAN PLC
F/K/A ACTAVIS PLC; ACTAVIS, INC. F/K/A
WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.; ACTAVIS
LLC; ACTAVIS PHARMA, INC. F/K/A WATSON
PHARMA, INC.; ENDO HEALTH SOLUTIONS
INC.; INSYS THERAPEUTICS, INC.;
MCKESSON CORPORATION; CARDINAL
HEALTH, INC.; AMERISOURCEBERGEN
CORPORATION; RUSSELL PORTENOY;
PERRY FINE; SCOTT FISHMAN; and LYNN
WEBSTER,

Defendants.

Case No. 1:17-cv-2482

Judge Dan Aaron Polster

**MEMORANDUM IN SUPPORT OF
MANUFACTURER DEFENDANTS'
UNOPPOSED JOINT MOTION TO
STAY THE DATE BY WHICH TO
RESPOND TO PLAINTIFF'S
COMPLAINT AND FOR AN
EXTENSION OF TIME PENDING
FINAL DETERMINATION OF
REMOVAL**

I. Introduction and Facts

Defendants jointly ask this Court to stay the date by which to respond to Plaintiff's Complaint and for an extension of time pending a final determination of removal. Plaintiff does not oppose this Motion.

This lawsuit is one of more than 150 federal actions pending nationwide in which plaintiffs assert claims against pharmaceutical manufacturers, distributors, and/or physicians relating to the sale, marketing, and distribution of FDA-approved prescription opioid medications.

On November 27, 2017, Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. filed a Notice of Removal on the basis of the existence of complete diversity between Plaintiff and all properly joined Defendants, and satisfaction of all other requirements for removal. Plaintiff has until December 27, 2017 to move to remand the case to state court.

Because the issue of the appropriate forum for this case has not been finally resolved, Defendants request that this Court stay the date that Manufacturer Defendants are required to respond to the Complaint until sixty days after removal is finally determined. Plaintiff does not oppose this Motion.

It is in the best interest of the parties and in the interest of judicial efficiency to avoid the possibility of litigating the same issues in two different courts. If Manufacturer Defendants are required to respond to the Complaint before a final determination of removal is made, they risk having to respond in this Court and again in state court. Similarly, Plaintiff could be required to respond to pleadings first in federal court and again in state court. Litigating these issues in both forums would be costly to all parties, as well as an inefficient use of judicial resources. The Court's inherent power includes the "power to stay proceedings based on its authority to manage its docket efficiently." *Snap-On Bus. Sols., Inc. v. Hyundai Motor Am.*, No. 5:07-cv-1961, 2009WL 1373150, *1 (N.D. Ohio May 15, 2009) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). For these reasons, Manufacturer Defendants request an Order staying the date that they

are required to respond to the Complaint until 60 days after the issue of removal is finally determined. Final determination of removal shall occur on either December 27, 2017, if Plaintiff does not file a Motion to Remand, or upon the issuance of an order resolving Plaintiff's Motion to Remand. A Proposed Order is attached.

DATED: December 4, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December 2017, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Andrea B. Daloia
One of the Attorneys for Defendants
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